

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.10087 of 2015
Date of decision:21.03.2017**

Jagjit Singh

... Petitioner

Vs.

Financial Commissioner (Revenue), Punjab
and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl.A.G.Punjab.

Mr. R.S.Khosla, Senior Advocate with
Ms. Ishrat Phulka, Advocate
for respondent No.4.

AMIT RAWAL J.

The petitioner – Jagjit Singh is aggrieved of the impugned order dated 10.03.2015, whereby, private respondent, namely, Kulwinder Singh, was appointed as Lambardar.

Mr. Ranjan Lakhanpal, learned counsel appearing on behalf of the petitioner submits that petitioner is an ex-army man and after retirement, he settled in his village Daroli Kalan, Tehsil and District Jalandhar. On account of death of Piara Singh, applications for appointment of Lambardar were invited. The petitioner and one Kulwinder Singh–respondent No.4 applied for the post of Lambardar. The Collector after considering the case of both applicants, vide order dated 16.12.2010, Annexure P-1, decided the

matter in favour of Kulwinder Singh.

The aforementioned order was assailed in appeal. However, the Commissioner accepted the appeal and decided the matter in favour of the petitioner being more educated than Kulwinder Singh and a big landlord, much less an ex-service man. The aforementioned order was assailed by Kulwinder Singh by filing an appeal before the Financial Commissioner, who vide impugned order dated 10.03.2015 (Annexure P-5) set aside the well reasoned order of the Commissioner.

It is settled law that ex-serviceman is to be given preference while appointing Lambardar, in view of the ratio decidendi culled out by this Court in ***Dawinder Singh vs. Financial Commissioner(Appeals-I) Punjab and others 2012 (2) PLR 291***. Even comparative merit of the candidates is to be examined. The Commissioner did not commit any illegality and perversity in setting aside the order of the Collector. The order of the Financial Commissioner is not sustainable as he has not taken into consideration all the points, particularly the petitioner being an ex-serviceman and non-suited the petitioner on the ground that petitioner is an agent in Bank/Post Office and therefore, he would be busy in generating the revenue for the bank. The order of the Financial Commissioner is non-speaking and does not stand on the touchstone of reasonability and thus, urges this Court for setting aside the impugned order.

Per contra, Mr. R.S.Khosla, learned Senior Counsel assisted by Ms. Ishrat Phulka, learned counsel appearing on behalf of respondent No.4 submits that order of the Collector is most reasonable and well reasoned as

it has considered all the points for the purpose of filling up the post of Lambardar. No doubt, petitioner is an ex-serviceman but the fact remains that Kulwinder Singh is 58 years of age and 7th class passed. He owns house and land approximately one acre, 15 marla plot in Adampur, 22.5 marla plot in village Patara and 16 marla plot in village Ladhewali. He had been a Punch of village Panchayat and Chairman of Senior Secondary School, besides a member of Cooperative Society, whereas, Jagjit Singh is only matriculate; owns house and 1.5 acre of land. All the parameters for filing up the post of Lambardar have been considered in extenso and thus, recommendation of the Collector cannot be tinkered with until and unless there is gross illegality and perversity.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Ranjan Lakhanpal, for, no doubt, petitioner being an ex-army man, preference can be given but the fact remains that he is also a commission agent of Bank/Post Office, thus, would be perpetually busy in conducting of aforementioned work, whereas, respondent No.4 – Kulwinder Singh is a Member of Panchayat and Chairman of School Committee. The person, who is always available on calls of the villagers should be the most suitable candidate, so that the villagers do not feel uncomfortable or suffer owing to non-availability. Thus, in my view, the order of the Collector recommending the private respondent No.4 for the post of Lambardar affirmed by the Financial Commission is perfectly legal and justified and rightly so, the order of the Commissioner has been set aside. The factum of petitioner

being an ex-army man has also been looked by all the authorities.

No ground is made out for interference in the impugned order.

Accordingly, the writ petitioner stands dismissed.

(AMIT RAWAL)
JUDGE

March 21, 2017

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No